

**Remarks**

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

Claims 1-3 are currently pending in the application; Claims 1-3 having been amended in a non-narrowing manner to remedy potential informalities and to place the claims in better conformity with standard U.S. practice. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.

In the outstanding Office Action the Abstract was objected to; the disclosure was objected to; and Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,499,238 to Shon in view of U.S. Patent No. 6,639,916 to Wakizaka.

Applicants express thanks for the Examiner's indication that dependent Claim 3 recites allowable subject matter, such that the dependent claim, although currently objected to, would be allowable if rewritten in independent form.

Initially, Applicants respectfully assert that no Information Disclosure Statement was filed on March 12, 2001.

As stated above in the Office Action the Abstract was objected to because the Abstract was more than one paragraph. In response, Applicants respectfully submit herewith an amended Abstract in accordance with MPEP § 608.01(b).

As stated above in the Office Action the disclosure was objected to because of informalities. In response, Applicants have amended the disclosure to include section headings. Thus, Applicants respectfully request that the objection to the disclosure be withdrawn.

As stated above in the Office Action Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shon in view of Wakizaka. Applicants respectfully request that the rejection of the claims be withdrawn for the following reasons.

The present invention is directed to a method of transmitting data over a physical link between a base station and a controller of a telecommunications system. Independent Claim 1 recites providing different types of data to corresponding different queues, emptying non-empty queues in an order from the queue having the data with a shortest transmission time interval to a queue having the data with a longest transmission time interval during a time period having a predetermined duration, and repeating the emptying after the expiration of the time period regardless of a state of the queues.

Shon is directed to an asynchronous transfer mode (ATM) multiplexing process device. As shown in Figure 4, for example, of Shon, operation begins in an initial mode 13, and then operating continues in a state of an upper QOS class 14 which has a high priority. Operation continues in the same operation state according to a FIFO 15 principle until an appropriate buffer become empty, and if the buffer becomes empty while maintaining the state, the state changes to a lower QOS class 16. But if the buffer with the lower class becomes full, the operation transits to buffer full process state 17, and then returns to the original state again if the lower class is no longer filled.<sup>1</sup>

Applicants respectfully assert that Shon does not teach or suggest, however, the claimed features of emptying non-empty queues in an order from the queue having data with a shortest transmission time interval to a queue having the data with a longest transmission time interval during a time period having a predetermined duration, and repeating the emptying after the expiration of the time period regardless of a state of the queues, as recited in independent Claim 1. Rather, as discussed above, Shon states that if the buffer with the

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<sup>1</sup> From Column 6, line 65 to Column 7, line 4.

lower order becomes full, the operation transits to buffer full process state 17, such that the buffer with the lower class or priority is emptied before the buffer with the upper class, and therefore Shon does not show or state that the buffer with the upper class is emptied regardless of the state of the other buffers.

Specifically, independent Claim 1 recites “emptying non-empty queues in an order from the queue having the data with a shortest transmission time interval to a queue having the data with a longest transmission time interval during a time period having a predetermined duration . . . and repeating the emptying after the expiration of the time period regardless of a state of the queues.”

The Office Action relies on Wakizaka in an attempt to remedy the deficiencies of Shon. Applicants respectfully assert that Wakizaka does not teach or suggest, and the Office Action does not rely on Wakizaka to teach or suggest, however, the claimed features of emptying non-empty queues in an order from the queue having data with a shortest transmission time interval to a queue having the data with a longest transmission time interval during a time period having a predetermined duration, and repeating the emptying after the expiration of the time period regardless of a state of the queues, as recited in independent Claim 1.

Thus, for the above reasons, Applicants respectfully assert that neither Shon nor Wakizaka, whether taken alone or in combination, teaches or suggests the claimed features recited in independent Claim 1. Therefore, Applicants respectfully request that the rejection of independent Claim 1 under 35 U.S.C. § 103(a) be withdrawn and the independent claim allowed.

Dependent Claims 2 and 3 are allowable for the same reasons as independent Claim 1, from which they depend, as well as for their own features. Therefore, Applicants respectfully

request that the rejection of and objection to dependent Claims 2 and 3 be withdrawn, and the dependent claims allowed.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

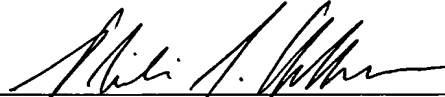
Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Registration No. 25,599  
Attorney of Record

Philip J. Hoffmann  
Registration No. 46,340

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